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2 Federal Public Defender  
3 Nevada State Bar No. 11479  
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Attorney for Tender Morales

7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA,

Case No 2:20-cr-00038-JCM-VCF

10 Plaintiff,

**STIPULATION TO VACATE  
STATUS HEARING  
AND CLOSE CASE**

11 v.

12 TENDER MORALES

13 Defendant.

14  
15 IT IS HEREBY STIPULATED AND AGREED, by and between United States  
16 Attorney Nicholas A. Trutanich and Special Assistant United States Attorney Rachel L. Kent,  
17 counsel for the United States of America, and Federal Public Defender Rene L. Valladares  
18 and Assistant Federal Defender Katherine Tanaka, counsel for Tender Morales, that the status  
19 hearing previously scheduled for December 9, 2020 at 10:30 a.m. be vacated and the case  
20 closed.

21 This Stipulation is entered into for the following reasons:

22 1. Defendant was charged with: Count One – failing to obey a traffic control  
23 device; and Count Two – Driving off-road causing resource damage. ECF No. 1.

24 2. On September 1, 2020, Defendant entered into a petty offense diversion  
25 agreement with the Government. ECF No. 19. The diversion agreement required Defendant  
26 to complete the following conditions: (1) successfully complete eight-hours of community

service; and (2) not violate any local, state, or federal laws. *Id.* In exchange for successful completion of the conditions, the Government agreed to dismiss Count One – failing to obey a traffic control device, and Count Two – Driving off-road causing resource damage. *Id.*

3. Defendant has successfully completed the conditions. Defendant completed eight-hours of community service and has not violated any local, state, or federal laws.

4. The Government is satisfied Defendant has met the terms of the diversion agreement.

5. Because Defendant has successfully completed the terms of the diversion agreement, the parties request the Court vacate the status hearing, dismiss the charges, and close the case.

DATE: December 3, 2020

RENE L. VALLADARES  
Federal Public Defender

By \_\_\_\_\_  
*/s/ Katherine Tanaka*

KATHERINE TANAKA  
Assistant Federal Public Defender

**NICHOLAS A. TRUTANICH**  
United States Attorney

By \_\_\_\_\_  
*/s/ Rachel L. Kent*

**RACHEL L. KENT**  
Special Assistant United States Attorney

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
TENDER MORALES  
Defendant.

Case No 2:20-cr-0038-JCM-VCF

## **ORDER**

## ORDER

Based on the pending Stipulation of counsel, the Court finds Defendant has successfully completed the conditions of the diversion agreement.

IT IS THEREFORE ORDERED that the status conference is vacated, Count One – failing to obey a traffic control device, and Count Two – Driving off-road causing resource damage are dismissed, and the case is closed.

DATED December 4, 2020.

**UNITED STATES DISTRICT JUDGE**

1                   CERTIFICATE OF ELECTRONIC SERVICE

2                   The undersigned hereby certifies that she is an employee of the Federal Public  
3                   Defender for the District of Nevada and is a person of such age and discretion as to be  
4                   competent to serve papers.

5                   That on December 3, 2020 she served an electronic copy of the above and foregoing  
6                   **STIPULATION TO VACATE STATUS CHECK HEARING AND CLOSE CASE** by  
7                   emailing to:

8  
9                   NICHOLAS A. TRUTANICH  
10                  United States Attorney  
11                  Rachel L. Kent  
12                  Special Assistant United States Attorney  
13                  501 Las Vegas Blvd. South  
14                  Suite 1100  
15                  Las Vegas, NV 89101

16  
17                  \_\_\_\_\_  
18                  /s/  
19                  Assistant Federal Public Defender